

Senate Bill No. 392

CHAPTER 346

An act to amend Sections 3080 and 12000 of the Fish and Game Code, relating to fish and wildlife resources.

[Approved by Governor September 24, 2013. Filed with
Secretary of State September 24, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 392, Berryhill. Fish and Game Code: game birds and waterfowl.

Existing law makes it unlawful to take, among other animals, mammals and birds outside of established seasons or to exceed any bag limit or possession limit established in the Fish and Game Code or by regulations adopted by the Fish and Game Commission. However, existing law authorizes possession of a game bird or mammal during a period other than the open season if the person possesses a hunting license and tag or tags issued to that person for the current or immediate past license year or the person receives the game bird or mammal from that licensee and has specific documentation that the recipient is a donor intermediary, as defined.

This bill would require the commission, on or before January 1, 2015, and subject to specified federal regulations, to recommend legislation or adopt regulations to clarify when a possession limit is not violated by processing into food lawfully taken game birds or mammals.

Existing law makes a violation of these provisions a misdemeanor, except a violation of designated statutes or regulations is either an infraction or a misdemeanor.

This bill would make a violation of a specified regulation relating to the possession, transportation, and importation of game birds an infraction or a misdemeanor. The bill would also make various technical, nonsubstantive changes.

The people of the State of California do enact as follows:

SECTION 1. Section 3080 of the Fish and Game Code is amended to read:

3080. (a) For the purposes of this section, "donor intermediary" means a recipient who receives game birds or mammals from a donor to give to a charitable organization or charitable entity. A donor intermediary possessing game birds or mammals during a period other than the open season shall have the documentation described in paragraph (2) or (3) of subdivision (b). There is no required format for the documentation. Any written

documentation containing the required information shall be deemed to comply with this section.

(b) The possession limit of any game bird or mammal may be possessed during a period other than the open season if one of the following conditions apply:

(1) The person has in his or her possession a hunting license and validated tag or tags for the species possessed, or copies of the license and tag or tags. The license and tag or tags shall have been issued to that person for the current or immediate past license year.

(2) The person received the game bird or mammal from a person described in paragraph (1), and the recipient has a photocopy of the donor's hunting license and the applicable validated tag or tags that has been signed and dated by the donor confirming the donation. The photocopied license and tag or tags shall be from the current or immediate past license year.

(3) The person received the game bird or mammal from a person described in paragraph (1), and the recipient has a signed and dated document confirming the donation that includes the donor's name, address, hunting license number, and applicable tag numbers for the species possessed. The license and tag or tags shall be for the current or immediate past license year.

(c) The documentation required by subdivision (b) shall be made available to the department as described in Section 2012. Charitable organizations or charitable entities receiving and distributing game birds or mammals for charitable or humane purposes, shall maintain the documentation described in paragraph (2) or (3) of subdivision (b) for one year from the date of disposal.

(d) This section does not authorize the possession of game birds or carcasses or parts of a game bird or carcass contrary to regulations issued pursuant to the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.).

(e) On or before January 1, 2015, and subject to the requirements of subdivision (d), the commission shall recommend legislation or adopt regulations to clarify when a possession limit is not violated by processing into food lawfully taken game birds or mammals.

SEC. 2. Section 12000 of the Fish and Game Code is amended to read:

12000. (a) Except as expressly provided otherwise in this code, any violation of this code, or of any rule, regulation, or order made or adopted under this code, is a misdemeanor.

(b) Notwithstanding subdivision (a), a person who violates any of the following statutes or regulations is guilty of an infraction punishable by a fine of not less than one hundred dollars (\$100) and not to exceed one thousand dollars (\$1,000), or of a misdemeanor:

(1) Section 2009.

(2) Subdivision (a) of Section 6596.

(3) Section 7149.8.

(4) Sections 1.14, 1.17, 1.62, 1.63, and 1.74 of Title 14 of the California Code of Regulations.

- (5) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive, of Title 14 of the California Code of Regulations.
- (6) Sections 27.56 to 30.10, inclusive, of Title 14 of the California Code of Regulations.
- (7) Sections 40 to 43, inclusive, of Title 14 of the California Code of Regulations.
- (8) Section 251.7 of Title 14 of the California Code of Regulations.
- (9) Sections 307, 308, and 311 to 313, inclusive, of Title 14 of the California Code of Regulations.
- (10) Sections 505, 507 to 510, inclusive, and 550 to 553, inclusive, of Title 14 of the California Code of Regulations.
- (11) Section 630 of Title 14 of the California Code of Regulations.